

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17058 of 2004

Between:

M/s. Plethico Pharmaceuticlas Ltd., 1-2-412/1/2/C/1, 2nd floor,
Gaganmahal colony, Domalguda, Hyderabad-500029, rep. by its GPA
Holder Mr.P.Neelakantam.

..... PETITIONER

AND

- 1 The Commercial Tax officer, Ashoknagar Circle, Hyderabad.
- 2 The Appellate Deputy Commissioenr (CT), Secunderabad Division,
Hyderabad.
- 3 The Additional Commissioner (CT) Legal, Andhra Pradesh,
Nampally,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ or order or direction quashing the order of the 3rd Respondent CCT's Ref.No.LIII(1)/1017/2004 dated 27-8-2004 as unreasonable and arbitrary and restrain the 1st Respondent not to take coercive steps against the petitioner in collecting the balance disputed tax of Rs.3,43, 512/- for the assessment year 2003-04 (Provisional) pending disposal of the appeal before the 2nd Respondent.

Counsel for the Petitioner : MR.S.DWARAKANATH

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the Writ Petition is disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. It is submitted that out of the disputed tax liability, the petitioner has already deposited some amounts. Therefore in the interest of justice, we direct that there shall be stay of recovery till disposal of appeal, subject to deposit of half of the total liability minus the amounts if any, already deposited by the petitioner, within a period of six weeks from today. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is accordingly disposed of. No costs.

(BILAL NAZKI, J)

22nd September, 2004.

(S.ANANDA REDDY, J)

ajr

To

- 1 The Commercial Tax officer, Ashoknagar Circle, Hyderabad.
- 2 The Appellate Deputy Commissioenr (CT), Secunderabad Division,
Hyderabad.
- 3 The Additional Commissioner (CT) Legal, Andhra Pradesh,
Nampally,
Hyderabad.
- 4 Two C.Cs. to the G.P. for Commercial Taxes, High Court
Buildings,
Hyderabad (O.U.T).
- 5 Two C.D. copies.